IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE M.H.S. ANSARI**

**and**
**THE HON'BLE MR JUSTICE T.CH.SURYA RAO**

**WRIT PETITION NO : 3934 of 2005**

Between:

Mohd. Khasim, S/o. Md. Shaik Meera,
R/o. H.No. 10-3-13, Humayunnagar, Mehdipatnam,
Hyderabad.

**..... PETITIONER**

AND

The Deputy Commissioner, Municipal Corporation of Hyderabad,
Circle No.IV, Khairatabad Division, Khairatabad, Hyderabad.

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue rule nisi calling for the records, leading upto and inclusive of the impugned notice issued by the respondent bearing S.No. 5501 dt. 24-2-2005 in respect of premises No. 10-3-13, situated at Humaunnagar, Mehdipatnam, Hyderabad in the name of Smt. Sajida Begum who has no connection with premises and quash the same by issue an appropriate Writ, order or direction more particularly in the nature of Writ of CERTIORARI.

**Counsel for the Petitioner: MR.SYED SHAREEF AHMED**

**Counsel for the Respondent : MR.RAMA RAO GHANTA (SC for MCH)**

**The Court made the following :**

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**THE HON'BLE SRI JUSTICE M.H.S.ANSARI**

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**AND**

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**THE HON'BLE SRI JUSTICE T.Ch.SURYA RAO**

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**W.P.NO.3934 OF 2005**

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**ORDER:** (Per the Hon'ble Sri Justice T.Ch.Surya Rao)

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The petitioner in the instant writ petition questions the demand notice bearing S.No.5501 dated 24-02-2005 issued in respect of a premises bearing No.10-3-13, Humayunnagar, Hyderabad. The contention of the petitioner appears to be two fold viz., (i) No opportunity was given to him and (ii) Impugned notice was sought to be served upon him on the assumption that the petitioner is a representative of one Smt.Sajida Begum, who seems to be the owner of the premises bearing No.10-3-13-A.

We have heard the learned counsel for the petitioner and the learned standing counsel for Municipal Corporation.

It appears that when the tax in respect of the premises bearing No.10-3-13 of the petitioner sought to be enhanced earlier, he filed a W.P.No.9981 of 2002, which was allowed by an order dated 17-06-2002 and pursuant to which the matter is still

pending consideration by the Municipal Corporation. In view of the same, issuing a special notice under Section 220(2) of M.C.H. Act for the enhancement of tax to the extent of Rs.2,40,000/- is in violation of principles of natural justice. In that view of the matter the first contention of the petitioner appears to be reasonable.

Apropos the second contention, obviously it is a case of mistaken identity. A special notice pertaining to the premises bearing No.10-3-13-A has been served upon the petitioner by mentioning *inter alia* the wrong assessment number and under the name of Smt.Sajida Begum. The premises of the petitioner bears No.10-3-13. Therefore, the impugned special notice cannot have any legal force qua the petitioner. This will not, however, preclude the Corporation from dealing with the matter of the petitioner in accordance with law, if need be under appropriate proceedings notwithstanding the result of this writ petition.

For the above reasons, the writ petition is allowed. No order as to costs.

M.H.S.ANSARI, J.

T.Ch.SURYA RAO, J.

Dated 17-03-2005.

skmr

To

1. The Deputy Commissioner, Municipal Corporation of Hyderabad,
   Circle No.IV, Khairatabad Division, Khairatabad, Hyderabad.

2. 2 CD copies